

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ROBERT JAMES ESQUIVEL,

Plaintiff,

v.

THE STATE OF TEXAS, OFFICE OF
THE ATTORNEY GENERAL; CITY
OF SAN ANTONIO, CITY OF SAN
ANTONIO ATTORNEY; SAN
ANTONIO POLICE DEPARTMENT,
ROLANDO PACHENCO, OFFICER
BADGE #594,

Defendants.

§§§§§

FILED
September 28, 2023
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: _____ NM
DEPUTY

CIVIL NO. SA-23-CV-00573-OLG

ORDER

Before the Court is the above-captioned action, which was referred to United States Magistrate Judge Richard B. Farrer for the disposition of pro se Plaintiff Robert Esquivel's application to proceed *in forma pauperis*. Pursuant to 28 U.S.C. § 636(b) Magistrate Judge Farrer issued a report and recommendation (R&R) concerning Esquivel's proposed complaint. (*See* R&R, Dkt. No. 12, Aug. 8, 2023.) Esquivel was served with a copy of the R&R (*see* Dkt. No. 14, Aug. 15, 2023) and timely filed his objections (*see* Dkt. No. 16, Aug. 29, 2023). When a party objects to a magistrate judge's recommendation, the Court conducts a de novo review as to those portions of the recommendation to which an objection is made. *U.S. v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989); 28 U.S.C. § 636(b)(1); FED. R. Civ. P. 72(b). Frivolous, conclusive, or general objections, however, need not be considered by the district court. *Battle v. U.S. Parole Com'n*, 834 F.2d 419, 421 (5th Cir. 1987).

Esquivel's filing fails to present a clear objection to the R&R. (*See generally* Dkt. No. 16.) The Court has nevertheless reviewed the entire report de novo and agrees with the Magistrate Judge's recommendation. Accordingly, it is ORDERED that Magistrate Judge Farrer's R&R

(Dkt. No. 12) is **ACCEPTED**. It is further **ORDERED** that, for the reasons set forth in the R&R, Plaintiff's claims are **DISMISSED** for failure to prosecute or to comply with court orders, *see FED. R. CIV. P. 41(b)*, and for failure to state a non-frivolous claim, *see 28 U.S.C. § 1915(e)*.

It is further **ORDERED** that all other pending motions are **DISMISSED AS MOOT**.

This case is **CLOSED**.

It is so **ORDERED**.

SIGNED this _____ day of September, 2023.



ORLANDO L. GARCIA
United States District Judge